

RULE 6.1.3  
ORDER OF TRIAL

The order of trial shall be as follows, where applicable:

(a) The jury shall be sworn well and truly to try the case.

(b) Unless both parties waive opening statements, the prosecuting authority shall make the opening statement outlining the evidence which will be offered by the prosecution, and the defense may immediately thereafter make an opening statement or such opening statement may be reserved until after the conclusion of the prosecutions case in chief.

(c) The prosecution shall submit its evidence.

(d) The defense may challenge the sufficiency of the evidence at the close of the prosecutions case in chief, and, if sustained, the case shall be dismissed; otherwise, the defense may then offer its evidence.

(e) The parties may thereafter offer evidence in rebuttal and surrebuttal. The court, for good cause shown or in the interest of justice, may permit the parties to offer evidence upon their original cases.

(f) The instructions shall be given prior to closing argument.

(g) The prosecution may argue its case after which the defense may argue followed by the prosecutions rebuttal. The length of time of all arguments shall be fixed by the court in its discretion and announced before the arguments are commenced. Equal time shall be allowed each party.

(h) After argument, the jury shall retire to consider its verdict, or the court shall state its findings of fact and conclusions of law.

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